



**City of Miami Beach - City Commission Meeting
Commission Chambers, 3rd Floor, City Hall
1700 Convention Center Drive
March 16, 2005**

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Mayor David Dermer
Vice-Mayor Luis R. Garcia, Jr.
Commissioner Matti Herrera Bower
Commissioner Simon Cruz
Commissioner Saul Gross
Commissioner Jose Smith
Commissioner Richard L. Steinberg

City Manager Jorge M. Gonzalez
City Attorney Murray H. Dubbin
City Clerk Robert E. Parcher

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ATTENTION ALL LOBBYISTS

Chapter 2, Article VII, Division 3 of the City Code of Miami Beach entitled "Lobbyists" requires the registration of all lobbyists with the City Clerk prior to engaging in any lobbying activity with the City Commission, any City Board or Committee, or any personnel as defined in the subject Code sections. Copies of the City Code sections on lobbyists laws are available in the City Clerk's Office. Questions regarding the provisions of the Ordinance should be directed to the Office of the City Attorney.

CONSENT AGENDA

- PA1 Certificates of Appreciation/David's Café, Contributing to the Quality of Life in CMB. (Bower/Cruz)
- PA2 Proclamation/National Women's History Month.
- PA3 Proclamation/City's 90th Birthday. (Dermer)
- PA4 Certificates of Appreciation/Employee of the Month "At Your Service Award" for Jan./Feb. 2005.
- PA5 Certificate of Appreciation/Phil Azan, Years of Dedicated Service to the City.
- PA6 Proclamation/Winter Music Conference 20th Anniversary.
- PA7 **New Item:** Certificate of Appreciation/Officer Glen Teboe, Miami Beach Police Dept. (Smith)

- C2A BA 05-04/05, Purchase (4) 2005 Honda All Terrain Vehicles, \$29,274.60.
- C2B Reject All Bids Received, Small Low Floor Transit Buses.

- C4A Ref: Historic Preservation Board - Coral Rock House Designation as Historic Structure. (Bower)
- C4B Ref: Finance & Citywide Projects Committee - Flamingo Neighborhood ROW Project.
- C4C Ref: Neighborhood/Community Affairs Committee - On-Street Parking/Espanola Way. (Gross)

- C6A Report: Finance & Citywide Projects Committee Meeting of February 17, 2005.

- C7A Set Public Hearing, Amend Zoning Map for Property at 2620 Biarritz Drive.
- C7B Waive Bidding/Execute Agreement w/ Musco Lighting, Fairway Park Lighting. **5/7**
- C7C Accept Recommendation, Biscayne Point Right of Way Infrastructure Improvement Project.
- C7D Approve Settlement of a City Lien for Property at 2062 Alton Road.
- C7E Execute Agreement for Fleet Maintenance Services with the Village of Key Biscayne.
- C7F Retroactively Submit Applications for Grant Funds to Several Funding Agencies.
- C7G Issue a Certification of Consistency w/ HACMB, (5) Year Plan for FY 2005-09.
- C7H Execute Service Agreement w/ PN Investments, Unique Law Enforcement Services.

- C7I Adopt/Appropriate 1st Amendment to the Police Confiscation Trust Fund Budget for FY 2004/05.
- C7J Adopt 1st Budget Amendment to the Police Special Revenue Account for FY 2004/05.
- C7K Appropriate Funds, Remediation Work for Bayshore (MBGC) & Normandy Shores Golf Course.
- C7L Appropriate \$15,000 for the Annual E.A.R.T.H. Expo on April 10, 2005.
- C7M Set Public Hearing, Vacation of Alley in Favor of the Vitri Project, 535 W. Avenue, LLC.
- C7N Waive Bidding, Bass Museum of Art Permanent Collection Storage. **5/7**
- C7O Issue RFQ, Various Engineering Services, on an "As-Needed Basis" for Capital Projects.
- C7P Appropriate Funds, Water & Wastewater Pump Station Upgrades Project.
- C7Q Approve Settlement of a City Lien for Property at 3050 Alton Road.
- C7R Accept Ranking of Firms, Conduct an Analysis for the Miami Beach Police Department.

REGULAR AGENDA

- R2A BA 46-03/04, Provide Unarmed Security Guard Services, \$1,915,200.
- R5A **10:15 a.m. 2nd Rdg**, Design Review & Planning Board Composition. **5/7**
- R5B **10:20 a.m. 2nd Rdg**, Dissolve the Convention Ctr. Capital Projects Oversight Comm. (Garcia)
- R5C **10:25 a.m. 2nd Rdg**, Panhandling Ordinance. (Steinberg)
- R5D **1st Rdg**, Designation of Historic Structures & Issuance of Demolition Permits. **5/7**
- R5E **10:30 a.m. 1st Rdg**, Campaign Finance Reform Ordinance. (Dermer/Smith)

- R7A **5:10 p.m. Open/Cont.**, Approve Development Agreement for the "5th & Alton Road" Project.
- R7B Appropriate Additional Funds to the Reserve for Contingencies in the General Fund.
- R7C Adopt 1st Amendment to the General, Enterprise & Internal Service Funds - FY 2004/05.
- R7D **10:45 a.m.** Affirm the Finding of Inconsistencies in the Preliminary Plans Submitted by the JCC.
- R7E Approve MB Cultural Affairs Program & CAC's Budget Allocation for Various Programs.
- R7F Approve Extension of Vendor Contract, Cultural Marketing Campaign for FY 2004/05.
- R7G City Manager's Annual Evaluation.

- R9A Board and Committee Appointments.
- R9B1 **1:30 p.m.** Dr. Stanley Sutnick Citizen's Forum.
- R9B2 **5:30 p.m.** Dr. Stanley Sutnick Citizen's Forum.
- R9C Disc. Senior Task Force. (Garcia)
- R9D **10:40 a.m.** Disc. Reso: Opposing Extension to the Urban Development Boundary. (Dermer)
- R9E Disc. Resolution: Opposing Elimination of Funding for the CDBG. (Bower)
- R9F **11:00 a.m.** Presentation on the State Attorney's Community Outreach Programs. (Garcia) **5/7**

REPORTS AND INFORMATIONAL ITEMS

- A City Attorney's Status Report.
- B Parking Status Report.
- C Status Report on Fire Station No. 2.
- D Status Report on Fire Station No. 4.
- E Informational Report on Federal, State, County and All Existing City Contracts.
- F Presentation by Judge S. Leifman on the CIT Training Offered at Miami-Dade County.
- G1 Minutes of December 17, 2004 - Miami-Dade County Homeless Trust Board Mtg. (Steinberg)

REDEVELOPMENT AGENCY ITEMS - 10:00 A.M.

- 2A Report of the Itemized Revenues/Expenditures of RDA for January 2005.
- 3A BA 05-04/05, Purchase of Several Police & All Terrain Vehicles, \$119,001.95.
- 3B Execute Revised Guaranteed Maximum Price/Amend Agmt, Renovation of the Colony Theatre.

Meeting called to order at: 9:19:06 a.m.

Invocation given by Rabbi Shapiro of the Hebrew Academy, 2400 Pine Tree Drive.

Pledge of Allegiance led by Assistant Police Chief Di Censo.

Times based on the digital recording in the City Clerk's Office

10:00:37 a.m.

Addendum items: C7R, R9F, and R9G

ACTION: Motion made by Commissioner Smith to add item C7R as emergency item to the Commission Agenda; seconded by Commissioner Bower; Voice vote: 5-0; Absent: Vice-Mayor Garcia and Commissioner Cruz.

Motion made by Commissioner Steinberg to add item R9F as emergency item to the Commission Agenda; seconded by Commissioner Bower; Item added without objection; Absent: Vice-Mayor Garcia and Commissioner Cruz.

Motion made by Commissioner Bower to add item R9G as emergency item to the Commission Agenda; seconded by Commissioner Smith; Item added without objection; Absent: Vice-Mayor Garcia and Commissioner Cruz.

Supplemental Materials:

C7H (Resolution), C7L (Additional Material and Resolution), R7F (Resolution), R7G (Memorandum and Resolution).

Presentations and Awards

9:46:09 a.m.

PA1 Certificates Of Appreciation To Be Presented To Alfredo J. Gonzalez, Adrian Gonzalez, Alejandro Gonzalez, Maria F. Gonzalez And Alfredo Gonzalez, Sr. Of David's Café, For Their Contribution To The Quality Of Life In City Of Miami Beach.
(Requested by Commissioner Matti Herrera Bower & Commissioner Simon Cruz)
(Deferred from February 23, 2005)

ACTION: Certificates presented.

Mayor Dermer stated that David's Café is the epicenter of the political activity and the City Commission appreciates it.

Commissioner Bower added that not only do they have a great and fun restaurant, but they are a united family and they are not mentioned enough; they are very helpful with St. Patrick's Church and Father Alberto; they do a lot of things for the elderly and the poor in the City and this is all volunteer work. Benita is never mentioned, but she is the strong one in the family, and what they do, not only as a restaurant, but as a family, is appreciated.

Vice-Mayor Garcia stated that if there is a woman worth knowing it is Benita. He is happy and proud to be their friends.

Commissioner Smith commended David Gonzalez, Sr., for having such a united family.

Commissioner Gross added that all the employees of the restaurant are part of the family, and the atmosphere and feeling is that of a large family. He congratulated them for providing also for their employees and being a real institution in the City.

Commissioner Steinberg is happy to see that the children grew up to give back to the community.

Murray Dubbin, City Attorney, explained that about ten years ago he needed to find a place to eat, but when he found David's Café, he also found friends and he felt at home. They have improved the quality of life of the City.

New Item:

Mayor Dermer announced that former Miami Beach Commissioner Susan Gottlieb was elected as the first woman Mayor of the City of Aventura.

9:40:17 a.m.

PA2 Proclamation To Be Presented In Honor Of National Women's History Month.
(City Manager's Office)

ACTION: Proclamation presented.

Jorge Gonzalez, City Manager, stated that in 1987 the U.S Congress passed a resolution declaring the month of March as National Women's History Month. In March the City has a few activities taking place such as the art exhibit called "Standing on the Soap Box" which is on display on the fourth floor. The City is also partnering with the City's Committee on the Status of Women to hold the Women Worth Knowing reception in honor of Women's History Month. The event will be held March 22 at 6:30 p.m. at the South Beach Marriot. He recognized Diana Susi, Chair of the Commission on the Status of Women and Donna Zemo, Chair of the "Women Worth Knowing" event. Ms. Zemo was unable to attend.

Diana Susi, Chair, Commission on the Status of Women, talked about the March 22 event which will honor three wonderful women who either work or live in Miami Beach. She stated that the Commission on the Status of Women does events on health, domestic violence, equal pay/day and the "Women Worth Knowing" event. The Committee is also doing leadership with young Miami Beach girls to maybe form a junior Commission on the Status of Women. This year the National Convention for the Commission on Women will be held at the Eden Roc July 13 -17.

Jorge Gonzalez, City Manager, recognized and congratulated the three women receiving the 2005 award: Dr. Georgina Garcia, D.M.D., Elsie Sterling Howard and Judge Shelley J. Kravitz.

Handout or Reference Material

1. Color brochure titled: "Women Worth Knowing 2005"

9:21:58 a.m.

PA3 Proclamation To Be Presented In Honor Of The City's 90th Birthday.
(Requested by Mayor David Dermer)

ACTION: Proclamation presented.

Mayor Dermer stated that the City is celebrating its 90th birthday and there are a number of activities to be held.

Ramiro Inguanzo, Chief of Staff, gave a brief background of the history of Miami Beach, and explained that the activities will be kicked off after the State of the City Address by Mayor Dermer scheduled for April 8th, which will be followed with the burial of a time capsule. Other activities include historical exhibits on the 4th floor from April 8th to May 31st. For Municipal Clerk's Week, the City Clerk's Office has been working on a Mock Commission Meeting with Miami Beach High School students to reenact the meeting of April 6, 1915. The Parks and Recreation Department will have a theme of "Happy Birthday Miami Beach." All events are open to the public and everyone is invited to attend.

9:24:55 a.m.

New Item:

Jorge Gonzalez, City Manager, announced Mayor David Dermer's birthday.

9:53:01 a.m.

PA4 Certificates Of Appreciation To Be Presented To Employee Of The Month "At Your Service Award" Winners For The Months Of January And February 2005.
(City Manager's Office)

ACTION: Certificates presented to Arnold Gaines, Police Department, for the month of January 2005, and to Nury Menicucci, Capital Improvement Program Office, for the month of February 2005.

Jorge Gonzalez, City Manager, summarized the criteria for the employee recognition program to identify those individuals that go above and beyond the call of duty and exhibit good customer service. For the month of January, Arnold Gaines from the Police Department was selected, and for the month of February, Nury Menicucci from the Capital Improvement Program Office was selected.

Major James Mazer stated that Arnold is a true unsung hero in the Police Department. His main job is delivering the mail and he truly loves his job, and everybody likes him. He always has a smile and has something good to say. Arnold was recommended by his peers.

Vice-Mayor Garcia stated that Arnold never gets upset, always has a smile and is really an unsung hero in the City. He stated that it is great to have Arnold working for the City.

Arnold Gaines spoke.

Jorge Gonzalez, City Manager, announced the winner for the month of February, from the Capital Improvements Program Office, Nury Menicucci.

Tim Hemstreet stated that Nury is an example of the quality of the employees at the CIP office. In addition to her excellent work at LaGorce, LaGorce/Pinetree median and the Convention Center restrooms project, she was nominated for this award for her work at the Jackie Gleason Theatre. This was a "trouble" project if it had not been for Nury's efforts and the long hours she worked, the project would not have been completed on time for the grand opening in December. He commended her for her tenacity, dedication and hard work for the City of Miami Beach.

Nury Menicucci spoke.

- PA5 Certificate Of Appreciation To Be Presented To Phil Azan, Director Of Building, For His Years Of Dedicated Service To The City Of Miami Beach.
(City Manager's Office)

ACTION: Item not reached.

9:36 19 a.m.

- PA6 Proclamation To Be Presented In Honor Of The Winter Music Conference 20th Anniversary.
(Tourism & Cultural Development)

ACTION: Proclamation presented.

Dennis Leyva, Film & Print Coordinator, stated that the City is honoring Bill Kelly on the 20th anniversary of The Winter Music Conference, which has become a signature event for the City. It is recognized as a world class event for music, similar to what Art Basel is for the art world. He emphasized that this event has been here for 16 years and they have never asked the City for money.

Bill Kelly, Co-Founder of The Winter Music Conference, thanked the City of Miami Beach, Dennis Leyva and the citizens for their support.

Commissioner Gross also stated this event has a spin-off effect since people who come to the conference later invest in the entertainment business. This impacts the City and we appreciate that.

9:33:43 a.m.

New Item:

- PA7 Certificate Of Appreciation To Be Presented To Officer Glen Teboe Miami Beach Police Department For His Keen Power Of Observation And Dedication To Duty.
(Requested by Commissioner Smith)

ACTION: Certificate presented.

Commissioner Smith explained that during an armed robbery to an elderly citizen, Officer Glen Teboe apprehended the three suspects; this was an important development in solving the crime. Commissioner Smith recognized him for doing a very good job.

Captain Michael Auch stated that Officer Teboe takes great pride in his work and they appreciate the work that he does.

9:26:22 a.m.

New Item:

PA8 Certificate of Appreciation To Be Presented To The Information Technology Department For Most Valuable And Distinguished Service On Behalf Of The City Of Miami Beach.

ACTION: Certificate presented.

Jorge Gonzalez, City Manager, recognized the entire staff of the Informational Technology Department who worked citywide, around the clock for several days, to wipe out a virus that infected the network and caused significant slowdowns and impacted daily operations. He explained that at no time was the City in jeopardy of not being able to provide mission critical systems, such as the 911 dispatchers and any of the public safety activities, and kept all departments fully informed through the process. He explained that the City's website was always running and we did not lose external communication. He recognized in particular Gladys Acosta, Acting IT Director and introduced the two new Division Chiefs in the Department, Nelson Martinez responsible for Technical Support, Ryan Fernandez responsible for Development, and Patricia Walker in helping guide this organization.

Gladys Acosta, Acting IT Director, thanked the City Commission for the recognition and stated that this was a team effort.

Patricia Walker stated that this team has come together in the past year; this virus was a multiple strain and the IT staff worked closely with Symantic Software Developers to eliminate the virus for several days to make sure that the City was safe.

10:38:30 a.m.

New Item

Robert Parcher explained the Gear up Express Mentor Program and introduced Laurie K. Davis.

Laurie K. Davis stated that they have 46 students in the program and 20 are sponsored by employees of the City of Miami Beach. She wanted the City Commission to know that the City of Miami Beach has wonderful employees that take time out of their day to service kids in the community from Miami Central High School in Miami. She stated that Ramiro Inguanzo, Chief of Staff, has taken the lead on this program. She read the names. She read the names of the City mentors with the corresponding students.

<u>Mentor</u>	<u>Student</u>	<u>Mentor</u>	<u>Student</u>
Andre, Marie France	Shakevia Adell	Barbara Hawayek	Khadija Waldron
Lynn Bernstein	Sherley Jeandedieu	Ramiro Inguanzo	Demetrius
Watkins			
Margot Betteridge	Tramille Julmiste	Donnovan Ireland	David Sampson
Delia Casoni	Shauna Franklin	Joyce Meyers	Kenya Pierre-Paul
Carmela Chiovaro	Chantal Russell	Bob Parcher	Ronald Weeks
Caroline De Freze	Jessica Samson	Monica Plaza	Sherleen Phanur
Elaine Flores	Erica Bass	Nannette Rodriguez	Natasha Figuera
Nathaniel Frazier	Claude Vixama	Leslie Rosenfeld	Nastassia
Dietrich			
Deborah Ginsberg	Dieuline Alfred	Maria Ruiz	Shantrell Page
Linda Gonzalez Verbit	Kala Burdon		

CONSENT AGENDA

ACTION: Motion made by Commissioner Bower to approve the Consent Agenda; seconded by Commissioner Smith; Voice vote: 7-0.

C2 - Competitive Bid Reports

- C2A Request For Approval To Purchase Four (4) 2005 Honda Four Trax Rubicon 4x4 All Terrain Vehicles From Jim Walker's Honda-Suzuki-Yamaha, Pursuant to City Of Miami Beach Bid No. 05-04/05, In The Amount Of \$29,274.60.
(Fleet Management)

ACTION: Award authorized. Drew Terpak to handle.

- C2B Request For Approval To Reject All Bids Received Pursuant To Invitation To Bid (ITB) No. 21-03/04 For Small Low Floor Transit Buses.
(Procurement)

ACTION: Bids rejected. Gus Lopez to notify the bidders.

C4 - Commission Committee Assignments

- C4A Referral To The Historic Preservation Board Regarding The Designation Of The Coral Rock House At 1701 Normandy Drive As A Historic Structure.
(Requested by Commissioner Matti Herrera Bower)

ACTION: Referred. Jorge Gomez to place on the committee agenda and to handle.

City Clerk's note: Included with this item is a copy of the Agreement between the City and Kent Harrison Robbins for preservation of a coral rock house dated the 19th of December, 1994 – see Resolution 94-21418

- C4B Referral To The Finance And Citywide Projects Committee Of A Proposed Amendment To EDAW's Agreement With The City Of Miami Beach For The Planning And Design Of The Flamingo Neighborhood Right Of Way Improvement Project To Provide For Additional Professional Services In The Amount Of \$556,219 Required To Implement The Project.
(Capital Improvement Projects)

ACTION: Referred. Patricia Walker place on the committee agenda. Jorge Chartrand to handle.

- C4C Referral To The Neighborhood/Community Affairs Committee - Discussion Regarding On-Street Parking/Espanola Way (And Cul De Sac).
(Requested by Commissioner Saul Gross)

ACTION: Referred. Vivian Guzman to place on the committee agenda. Saul Frances to handle.

C6 - Commission Committee Reports

10:04:50 a.m.

C6A Report Of The Finance And Citywide Projects Committee Meeting Of February 17, 2005: **1)** Discussion On Reallocation Of Funds To Provide For Additional Services To Reynolds Smith And Hills To Complete The Documents For The La Gorce Neighborhood Improvement Project; **2)** Discussion On Reallocation Of Funds To Provide For Additional Services To Reynolds Smith And Hills To Complete The Documents For The Nautilus Neighborhood Improvement Project; **3)** Discussion Of Request For Proposals (RFP) For The Development And Implementation Of A Citywide Corporate Marketing And Sponsorship Program; **4)** Discussion Regarding The List Of Projects And Establishment Of Additional Criteria For The Renewal And Replacement Fund; And **5)** Discussion Regarding Quality Of Life Funds.

ACTION: Commissioner Gross requested to correct the minutes regarding the drainage contract for the architect and engineer. The discussion was regarding the approval of additional funds which was later discussed at the Commission Meeting. He stated that his comments were reflected as being critical of the BODR, the neighborhood planning process and the permitting process. He requested that his comments reflect the fact that his comments were meant to shorten the length of time going from the BODR to the construction document phase, which was discussed at length and will be going back to the Finance and Citywide Projects Committee. The issues are where will the extra money come from, and testing the existing outfalls which was recommended by the engineer. Regarding several articles in the newspaper regarding the construction projects which the City is undergoing, his job as a Commissioner is not to make negative comments about employees who are working hard, which in the CIP Department they definitely are, but to look at the bigger picture and see how the process can be improved such as additional staff and streamlining the bureaucracy which was slowing down the rate at which projects were moving from the planning phase to the construction phase. He wanted to make sure that there was not any misunderstanding about what was said at the Committee Meeting or in the press.

Items No. 1 and No. 2:

Items number 1 and 2 were heard jointly.

The Committee moved the items to the February 23, 2005 City Commission Meeting, provided that La Gorce Neighborhood and Nautilus Neighborhood Home Owner's Associations are provided with sufficient notice of the proposed items. See February 23, 2005 – item C7B and C7C

Items No. 3:

The Committee moved the item to the full Commission, recommending approval of the proposed program. See February 23, 2005 – item R7G

The Committee instructed the Administration to: remove the requirement of three years governmental experience for prospective bidders; and, add governmental/public institutional experience as a weighted scoring factor in the selection process.

Items No. 4:

The Committee moved the item to the full Commission. See February 23, 2005 – item R7K

Items No. 5:

The Committee instructed the Administration to: develop a method to ensure input from residents and organizations from North, Middle and South Beach; and, bring back this item to a future Committee meeting for discussion. **Patricia Walker to place on a future meeting agenda. Kathie Brooks to handle.**

City Clerk's note: The Commission Memorandum reference City Charter Section 43 ½ of an old City Charter. The new City Charter Section is 5.03

C7 - Resolutions

- C7A A Resolution Setting A Public Hearing Pursuant To Section 142-425, Miami Beach City Code, To Consider An Amendment To The Zoning Map By Changing The Zoning District Classification Of Property Located At 2620 Biarritz Drive, From GU (Government Use) To RS-3 (Single Family Residential), Following The Property's Conveyance By The City To A Private Party, Pursuant To City Commission Resolution No. 2005-25829, All In Accordance With The City's Comprehensive Plan And Land Development Regulations.
(Asset Management)

ACTION: Resolution No. 2005-25834 adopted. Public Hearing scheduled for April 20, 2005. R. Parcher to notice. Lilia Cardillo to place on the Commission Agenda. Joe Damien to handle.

10:31:04 a.m.

- C7B A Resolution Approving A Waiver, By 5/7ths Vote, Of The Competitive Bidding Process, Finding Such Waiver To Be In The City's Best Interest, And Authorizing The Mayor And City Clerk To Execute An Agreement Between The City Of Miami Beach, Florida, And Musco Lighting To Be The Provider Of A Maintenance Free Sports Lighting System At Fairway Park, In An Estimated Amount Of \$311,700, To Be Installed At The Sports-Field, Basketball Court, And Two (2) Tennis Courts.
(Capital Improvement Projects / Parks & Recreation)

ACTION: Item separated for discussion by Commissioner Smith. Resolution No. 2005-25835 adopted. Motion made by Commissioner Smith, seconded by Commissioner Cruz. Voice vote: 7-0. Kevin Smith to handle.

Commissioner Smith explained that about five years ago it was thought that there would be sufficient monies to install lights at this park. Five years later, the original cost of \$100,000 went up to \$311,000 approximately. At this time, the area has come back dramatically, it's more upscale and the demographics are different, and although lighting is needed, particularly in the tennis court and basketball courts he stated being sensitive to the fact that young families with small children are living there. The City should look at where these lights can be installed, and whether an active use at the soccer field may interfere with the folks that will be moving across the street. **He would like to see a plan of where the lights are going to be installed, and find out whether this is the best price that the City can get as compared to other companies. Kevin Smith to handle.**

Kevin Smith, Parks & Recreation Department Director, explained that the City is proposing to use Musco lighting for sport field lighting and for the courts. This type of lighting has been used in six other parks and has been found to be the most responsive and the best product in the market. The City is using prices that were competitively bid through the City of Jacksonville three years ago and they are honoring a three-year old price. In addition, there are ways of controlling and managing the lighting by turning the lights on and off, and with

the technical ability of these lights, there is no spillage to the neighborhoods across the street, and the concern to neighborhood interference should be reduced substantially.

Commissioner Smith recommended that the department consults with the neighborhoods and be proactive; present a plan that the neighbors feel comfortable with, and be sensitive that the neighborhood is different today especially when having activities that are taking place well into the night. **Kevin Smith to coordinate a meeting of the neighborhood.**

Commissioner Gross asked what the best format is to get the neighborhood involved once a lighting plan is available, and he suggested that when plans are ready, to coordinate meetings in the neighborhood.

10:06:52 a.m.

C7C A Resolution Accepting The Recommendation Of The City Manager Pertaining To The Ranking Of Qualifications Received Pursuant To Request For Qualifications (RFQ) No. 42-03/04, For Engineering, Urban Design, And Landscape Architecture For Design, Bid And Award And Construction Administration Services For The Biscayne Point Right Of Way Infrastructure Improvement Project; Authorizing The Administration To Enter Into Negotiations With The Top-Ranked Firm Of EAC Consulting, Inc.; And Should The Administration Not Be Able To Negotiate An Agreement With The Top-Ranked Firm, Authorizing The Administration To Negotiate With The Second-Ranked Firm Of Consultech Transportation, Inc.; And Should The Administration Not Be Able To Negotiate An Agreement With The Second-Ranked Firm, Further Authorizing The Administration To Negotiate With The Third-Ranked Firm Of Miller Legg And Associates, Inc.
(Capital Improvement Projects)

ACTION: Item separated for discussion by Commissioner Gross. Resolution No. 2005-25836 adopted. Motion made by Commissioner Cruz; seconded by Commissioner Smith. Voice vote: 7-0. Jorge Chartrand to handle.

Commissioner Gross stated that the matrix on page 78 of the agenda shows that the four resident members of the evaluation committee all voted EAC Consulting as No. 1. Joyce Meyers, Principal Planner, Planning Department, also recommended EAC Consulting as No. 1. The two professionals from CIP, who will be tasked with working with the consultants, recommended the winning bidder as No. 4 and No. 3. This is a technical job going from the planning phase to the construction documents. He asked if it is a pattern that the City's professional staff committee members radically rank the companies different then the residents member of the evaluation committee.

Commissioner Smith stated that he raised the same issue with the City Manager during agenda review.

Jorge Gonzalez, City Manager, stated that it has been his experience that it is not normally the case to have a lay person sit on evaluation committees. Over the years he has grown to appreciate the involvement of residents. There is not a pattern where staff and residents disagreeing. On the front end staff does extensive referencing checking. After the Committee has made its recommendation, Purchasing and CIP, in this case, reviewed the decision and confirmed that the decision made the most sense, ultimately the City Manager makes the final decision. In this case, the program manager, Hazen and Sawyer, has reviewed EAC Consulting, and was told that they do have a good reputation and are strong in the engineering field. EAC Consulting is presently working for the City on the Collins 5th

to 15th project. The City employee ranked them fourth because she felt that they were stronger in FDOT projects such as roads. He stated that the ranking is not close enough to revisit and feels confident with this decision.

Jorge Chartrand, CIP Director, stated that the City has experience with EAC Consulting although not specifically with streetscape projects. They have a good reputation in the industry.

Mayor Dermer stated that Tim Hemstreet and Jorge Chartrand, but mostly Tim got a bit of a shot in a recent newspaper article. He stated that he has had the privilege of working with Tim and Tim has done an outstanding job. He stated that he hopes that the City gets as much media coverage on the opening of the projects as the City has had with the delay of some projects.

Commissioner Bower stated that is important to have the proper balance on the committees. Citizens want to be involved. If the issue is technical have more technical staff.

Jorge Gonzalez, City Manager, stated that a lot of thought goes into selecting the evaluation committee.

Vice-Mayor Garcia stated that with the number of projects the City has is mind boggling; appointees to committees sometimes lack expertise, and in these cases, expertise is important. If there are technical issues, there should be technical members on the committee. He requested an LTC with the names of the past selection committees, the composition, and the repeat number of members who have served. **Gus Lopez to handle.**

Commissioner Gross stated that the Administration tries to use citizens who have attended the Neighborhood Leadership Academy and should perhaps consider using board and committee applicants.

- C7D A Resolution Approving The Settlement Of A City Lien On Real Property Owned By Mr. Ricardo F. Raphael Located At 2062 Alton Road, Miami Beach, Florida, Resulting From Special Master Case No. JC00000291 And Providing That The Lien In The Amount Of \$115,910.54 Plus Interest Be Settled In The Amount Of \$0.00.
(City Manager's Office)

ACTION: Resolution No. 2005-25837 adopted. Robert Middaugh to handle.

- C7E A Resolution Approving And Authorizing The Mayor And City Clerk To Execute An Intergovernmental Agreement For Fleet Maintenance And Repair Services Between The City Of Miami Beach, Florida, And The Village Of Key Biscayne, Florida.
(Fleet Management)

ACTION: Item withdrawn.

- C7F A Resolution Authorizing The City Manager Or His Designee Retroactively To Submit Applications For Grant Funds To The Following Agencies: 1) The Children's Trust, Fiscal Year 2005/06 Out-Of-School Program, For Funding, In An Amount Not To Exceed \$1,250,000, For The City's Year Round Programs; And, 2) Federal Emergency Management Agency (FEMA), Fiscal Year 2005/06 Pre-Disaster Mitigation Program, For Funding, In An Amount Not To Exceed \$2,000,000, For Pre-Disaster Hazard Mitigation Activities; 3) Miami-Dade County Tourist Development Council, In An Amount Not To Exceed \$20,000 For The City's Fourth Of July Event; And, 4) Miami-Dade County Tourist Development Council, In An Amount Not To Exceed \$20,000 For The City's Camp Miami Beach Program; Further Appropriating The Grants If Approved And Accepted By The City; And Authorizing The Execution Of All Necessary Documents Related To This Application.
(Grants Management)

ACTION: Resolution No. 2005-25838 adopted. Patricia Walker to appropriate the funds if approved and accepted by the City. Judy Hoanshelt to handle.

- C7G A Resolution Approving And Authorizing The City Manager To Issue A Certification Of Consistency With The City's Consolidated Plan To The Housing Authority Of The City Of Miami Beach (HACMB) For Their Five Year Plan For Fiscal Years 2005-2009 And Their Annual Plan For Fiscal Year 2005, To Be Submitted By HACMB To The U.S. Department Of Housing And Urban Development (U.S. HUD).
(Neighborhood Services)

ACTION: Resolution No. 2005-25839 adopted. Vivian Guzman to handle.

Supplemental Materials (Resolution):

- C7H A Resolution Authorizing The Mayor And The City Clerk To Execute A Professional Services Agreement Between The City Of Miami Beach, Florida And PN Investments, Inc. For \$62,500 For Unique Law Enforcement And Investigative Services.
(Police Department)

ACTION: Resolution No. 2005-25840 adopted. Chief De Lucca to handle.

10:23:03 a.m.

New Item

The City Commission sang Happy Birthday to Mayor Dermer for his 42nd birthday and presented him with a birthday cake.

- C7I A Resolution Adopting And Appropriating The First Amendment To The Police Confiscation Trust Fund Budget For The Fiscal Year 2004/05 In The Amount Of \$292,200 To Be Funded From The Proceeds Of State (\$21,700) And Federal-Justice (\$270,500) Confiscated Funds.
(Police Department)

ACTION: Resolution No. 2005-25833 adopted. Chief De Lucca to handle.

- C7J A Resolution Adopting The First Budget Amendment To The Police Special Revenue Account For Fiscal Year 2004/05 In The Amount Of \$14,500, Such Account Funded By Unclaimed Evidence Currently Held In The Police Special Revenue Account.
(Police Department)

ACTION: Resolution No. 2005-25841 adopted. Chief De Lucca to handle.

- C7K A Resolution Authorizing The Appropriation Of Funds From The Resort Tax And Gulf Breeze Interest To Complete Remediation Work For The Bayshore (Miami Beach Golf Club) And Normandy Shores Golf Course For Fiscal Year 2004/2005 In The Amount Of \$667,582.
(Public Works)

ACTION: Resolution No. 2005-25842 adopted. Fred Beckmann to handle.

Supplemental Materials (Additional Material and Resolution):

- C7L A Resolution Accepting A Donation Of \$5,000 From Coastal Planning & Engineering, Inc., And Additional Sponsorships From Other Environmental And Socially Responsible Businesses, To Be Used For The City's E.A.R.T.H. Expo'5 In Celebration Of Earth Day.
(Public Works)

ACTION: Resolution No. 2005-25843 adopted. Fred Beckmann to handle.

- C7M A Resolution Setting A Public Hearing For April 20, 2005, To Hear Public Comment, As Required By The City's Guidelines For Vacation Or Abandonment Of Streets Or Other Rights Of Way And Pursuant To Section 82-37 Of The City Code (Ordinance No. 92-2783), Regarding The Vacation Of An Alley, Adjacent To Lots 2 Through 7 Of The Amended Plat Of Aquarium Site Resubdivision, Containing Approximately 4,200 Square Feet, In Favor Of The Applicant(And Developer Of The Vitri Project), 535 West Avenue, LLC, And Approving And Accepting The Dedication By 535 West Avenue LLC, Of Portions Of Lots 8, 9, 10 And 13 Of Same Subdivision, Containing Approximately 4,200 Square Feet, For Perpetual Use As A Public Alley.
(Public Works)

ACTION: Resolution No. 2005-25844 adopted. Public Hearing scheduled for April 20, 2005. R. Parcher to notice. Lilia Cardillo to place on the Commission Agenda. Fred Beckmann to handle.

- C7N A Resolution Waiving By 5/7ths Vote, The Formal Competitive Bidding Requirements, Finding Such Waiver To Be In The City's Best Interest, And Approving The Use Of The Fortress - Miami Corp And Artex Art Storage And Art Handling, On A Month To Month Basis, In A Not To Exceed Amount Of \$74,000, Until Such Time That Long-Term Storage Needs For The Bass Museum Of Art Permanent Collection Can Be Determined And A Contract Awarded As A Result Of A Competitive Bidding Process.
(Tourism & Cultural Development)

ACTION: Resolution No. 2005-25845 adopted. Max Sklar to handle.

- C7O A Resolution Authorizing The Administration To Issue Request For Qualifications (RFQ) No. 16-04/05 For Professional Architectural And Engineering Services In Various Professional Specialties, On An "As-Needed Basis," For Capital Projects In Which The Basic Construction Cost Does Not Exceed \$500,000 Per Project, Or For Study Activities For Which The Fee Does Not Exceed \$25,000; Further, Extending The Term Of The Existing Contract Agreements With The Consultants Dated June 6, 2001, On A Month To Month Basis Until The New Contracts Are Awarded.
(Procurement)

ACTION: Resolution No. 2005-25846 adopted. Gus Lopez to handle.

- C7P A Resolution Appropriating Funding Available From The Series 2000 Water And Sewer Bond Fund For The Water And Wastewater Pump Station Upgrades Project In The Amount Of \$260,307 For Additional Items Needed In Order To Complete The Project.
(Capital Improvement Projects)

ACTION: Resolution No. 2005-25847 adopted. Patricia Walker to appropriate the funds. Jorge Chartrand to handle.

- C7Q A Resolution Approving The Settlement Of A City Lien On Real Property Located At 3050 Alton Road, Miami Beach, Owned By Nestor Alvarez Together With Nora Reinfeld Alvarez, Resulting From Special Master Case No. JC990459 And Providing That The Lien In The Amount Of \$325,601.60 Plus Interest Be Settled For The Amount Of \$5,000.00.)
(City Manager's Office)

ACTION: Resolution No. 2005-25848 adopted. Robert Middaugh to handle.

Addendum Item:

- C7R A Resolution Accepting The Ranking Of Firms Pursuant To Request For Proposals (RFP) No. 40-03/04, Selection Of A Consultant To Conduct An Analysis To Determine The Most Effective Personnel Staffing Levels, Deployment, And Evaluate Existing Policies Governing Overtime, Off-Duty And Secondary Employment For The Miami Beach Police Department: MAXIMUS, Inc. As The Top-Ranked Firm, And Police Executive Research Forum (PERF) As The Second-Ranked Firm; Authorizing The Administration To Enter Into Negotiations With MAXIMUS And If Unsuccessful In Negotiating An Agreement With MAXIMUS, Authorizing The Administration To Enter Into Negotiations With PERF; And Further Authorizing The Mayor And City Clerk To Execute An Agreement Upon Completion Of Successful Negotiations In The Estimated Amount Of \$142,000.
(Procurement)

ACTION: Resolution No. 2005-25849 adopted. Kathie Brooks and Chief De Lucca to handle.

End of Consent Agenda

REGULAR AGENDA

R2 - Competitive Bid Reports

10:57:25 a.m.

R2A Request For Approval To Award A Contract To Internal Intelligence Service, Inc., As The Primary Vendor To Provide Unarmed Security Guard Services For An Estimated Annual Amount Of \$1,915,200, Pursuant To Invitation To Bid No. 46-03/04; Further Request Approval To Award A Contract To Sereca Security Corporation As The Secondary Vendor To Be Used Only In The Event That The Primary Vendor (Internal Intelligence Service, Inc.) Cannot Fulfill Their Contractual Obligations.
(Police Department)

ACTION: Award approved. Motion made by Commissioner Steinberg; seconded by Commissioner Bower; Voice vote: 7-0. Chief De Lucca to handle.

Jorge Gonzalez, City Manager, introduced the item.

Major James Mazer, MBPD, stated that he was involved in the interview process and although this company was the lowest bidder, the Police Department feels confident they will be able to provide the service the City is looking for.

Jorge Gonzalez, City Manager, stated that Internal Intelligence Service, Inc. has agreed to interview, not necessarily hire, current employees, and have asked for any recommendation the City may have.

Jerry Gregory, President and CEO of Internal Intelligence Service, Inc, informed the City Commission that it has always been their policy to give preference to those employees who are already on the job. It is an advantage; however, no guarantees can be made because of a number of issues.

Mayor Dermer stated that everyone has a good relationship with the current City Hall staff.

Vice-Mayor Garcia stated that the night guard is very good and gave an example of when his laptop computer was stolen.

Commissioner Smith stated that the boardwalk has been an issue of his for many years. He encouraged them not to hire the guards who work the boardwalk. He stated that there are specific rules governing the boardwalk, and the guards that patrol the boardwalk are not being effective. He will encourage them to be careful and sensitive to the needs of that area, but he will hold Administration and the company accountable.

Mr. Gregory shares his concerns and assured the Commission that the boardwalk will be top priority.

Commissioner Bower stated that the City needs to be creative on how to patrol Lincoln Road and the boardwalk where there is a lot of territory to cover.

Jorge Gonzalez, City Manager, stated that the Administration and Legal are working out how to allow the security guards to ride bicycles on the boardwalk. The camera on the boardwalk is a really good addition. He also stated that the reason the contract

management was moved from Property Management to Police was to address some of the problems on the boardwalk.

Commissioner Bower stated that the guards are the City's ambassadors. The guards need to be polite to our residents and visitors.

Jorge Gonzalez, City Manager, stated that all City contracts of services where they are extensions of City staff are required to attend the City's Customer Service Excellence Standards training.

Commissioner Smith asked if there is a scanning mechanism on the boardwalk.

Major James Mazer, MBPD, stated that if there are not scanning mechanism presently installed, the new company can install them.

R5 - Ordinances

2:05:14 p.m.

R5A Design Review And Planning Board Composition
An Ordinance Amending The Land Development Regulations Of The Code Of The City Of Miami Beach, By Amending Chapter 118, "Administration And Review Procedures", Article II, "Boards", By Amending Section 118-53 To Modify The Requirements For The Composition Of The Planning Board And To Correct A Portion Of The Section Regarding Attendance; By Amending Section 118-72 To Modify The Requirements For The Composition Of The Design Review Board; Providing For Repealer, Codification, Severability And An Effective Date. **10:15 a.m. Second Reading, Public Hearing.**
(Planning Department)
(First Reading on February 23, 2005)

ACTION: Public Hearing held. **Ordinance No. 2005-3477 adopted.** Motion made by Commissioner Steinberg; seconded by Commissioner Bower; Ballot vote: 6-0. Absent: Commissioner Cruz. R. Parcher and Jorge Gomez to handle. R. Parcher to transmit to Municipal Code Corp.

Handout or Reference Materials:

1. Notice of Ad in The Miami Herald

3:04:25 p.m.

R5B An Ordinance Repealing Division 24, Entitled "Convention Center Capital Projects Oversight Committee", Of Article III, Entitled "Agencies Boards And Committees", Of Chapter 2, Entitled "Administration", Of The Miami Beach City Code In Order To Dissolve The Convention Center Capital Projects Oversight Committee; Providing For Severability, Repealer, Codification, And An Effective Date. **10:20 a.m. Second Reading, Public Hearing.**

(Requested by Vice-Mayor Luis R. Garcia, Jr.)
(First Reading on February 23, 2005)

ACTION: Public Hearing held. **Ordinance No. 2005-3478 adopted.** Motion made by Commissioner Smith; seconded by Commissioner Bower; Ballot vote: 7-0. R. Parcher to handle and transmit to Municipal Code Corp.

On the initial role call, Vice-Mayor Garcia's vote was recorded as absent. Subsequently he requested, on the record, that he be recorded as a "yes" vote.

Handout or Reference Materials:

1. Notice of Ad in The Miami Herald

1:04:16 p.m.

R5C An Ordinance Amending Miami Beach City Code Chapter 74, Article III Thereof Entitled "Peddlers And Solicitors," Section 74-76 Through And Including Section 74-79, By Deleting Certain Definitions; Clarifying Applicability Of Article; Deleting Certain Locations Where Panhandling Is Prohibited; And Modifying The Distance From Certain Uses Within Which Panhandling Is Prohibited; Providing For Repealer, Severability, And An Effective Date. **10:25 a.m. Second Reading, Public Hearing.**

(Requested by Commissioner Richard L. Steinberg)
(First Reading on February 23, 2005)

ACTION: Public Hearing held. **Ordinance No. 2005-3479 adopted as amended.** Motion made by Commissioner Smith to strike item 74-78 (2) and to add after the word perimeter "as defined by the site plan attached to the City's permit"; seconded by Commissioner Steinberg. R. Parcher to transmit to Municipal Code. Vivian Guzman to handle.

Benjamin Waxman, on behalf of the American Civil Liberty Union, ACLU, spoke.

Commissioner Steinberg stated that Mr. Waxman raised the issue of how to measure the twenty (20) feet perimeter.

Sheri Sack, the City's specialist on Constitutional issues, explained that it is measured from the perimeter of the outside café, as identified in the agreement for that outside café.

Commissioner Steinberg stated that he would like to incorporate all previous testimonies into the record. This ordinance makes the issues narrower and liberalizes the ordinance.

Motion made by Commissioner Steinberg; seconded by Vice-Mayor Garcia; discussion continued.

Commissioner Gross asked if the Legal Department is prepared to defend the ordinance. He is concerned because the Legal Department expressed concerns that they could not

defend the ordinance which is presently in the City Code.

Sheri Sack, the City's specialist on Constitutional issues, stated that it was never said that the prior ordinance couldn't be defended. What was said is that there are certain issues in the prior ordinance which may have made it difficult and "yes" the Legal Department feels comfortable in its ability to defend this ordinance.

At Commissioner Smith's request, Sheri Sack addressed the issue of context neutral language.

Commissioner Bower asked if the Girl Scouts can sell cookies on Lincoln Road.

Jorge Gonzalez, City Manager, stated that the Girl Scouts have been referred as a non-profit organization to the Market Company, and the Company provides them a table as part of the concession with Lincoln Road.

Ballot vote: 3-3; Opposed: Mayor Dermer, Commissioners Smith and Bower. Absent: Commissioner Cruz.

Commissioner Steinberg stated that we now have an ordinance which is broader, that is subject to more challenge, and that our Police Officers are still enforcing.

Mayor Dermer explained that this is the type of issue that can create a perception that Miami Beach has a lot of panhandlers. He added that 99%, 99.8% of the people on Lincoln Road are having a good time and behaving. We are dealing with a tiny segment of the population. He added that he did not want the City to be diverted from all of the tremendous things going on in the City with one small issue. The question is do we want to continue that break. He stated he is concerned with how the City is perceived and how it is managed.

Murray Dubbin, City Attorney, recommended making a motion to reconsider and pass the ordinance in the Agenda on first reading and gave the Legal Department instructions to clean-up the ordinance.

Because the current ordinance on the books is broader, Commissioner Smith made a motion to reconsider the previous vote; seconded by Commissioner Steinberg; Voice vote: 6-0; Absent: Commissioner Cruz.

Motion made by Commissioner Smith to adopt the ordinance striking 74-78 (2) and (3) and to add language defining perimeter "as defined by the site plan attached to the City's permit."

Jorge Gonzalez, City Manager, encouraged the City Commission, in addition to 74-78 (1), to include 74-78(3).

Commissioner Smith amended the motion to include 74-78(3). **Vivian Guzman to handle. R. Parcher to transmit to Municipal Code Corp. Voice Vote: 5-1; Opposed: Commissioner Bower; Absent: Commissioner Cruz.**

Commissioner Bower stated she will put an item on the next Agenda to repeal the ordinance in its entirety.

Handout or Reference Materials:

1. Notice of Ad in The Miami Herald

12:20:44 p.m.

R5D An Ordinance Amending The Land Development Regulations Of The City, By Amending Chapter 118, "Administration And Review Procedures," Article X, "Historic Preservation", Division 4, "Designation," Section 118-591, By Amending The Procedures For Instructions To The Planning Department For Designation Of Historic Structures And The Issuance Of Demolition Permits; Providing For Repealer, Severability, Codification And An Effective Date. **First Reading.**

(Planning Department)

ACTION: Ordinance deferred and referred to the Land Use and Development Committee. Motion made by Commissioner Gross; seconded by Commissioner Bower; Voice vote: 5-1; Opposed; Vice-Mayor Garcia; Absent; Commissioner Cruz. Jorge Gomez to place on the committee agenda. Jorge Gomez and Legal to handle.

Gary Held, First Assistant City Attorney, introduced the item.

Jorge Gomez, Planning Director, stated that the Administration's recommendation is to adopt the ordinance on first reading and refer it to the Land Use and Development Committee.

Commissioner Smith stated that his problem with the ordinance is that for the first time ever, the City is providing "less" notice to people rather than "more" notice.

Jorge Gomez, Planning Director, explained that there will be a fully noticed process for designation.

Commissioner Smith stated that this ordinance allows zoning-in-progress to begin without the affected property owners being notified. He stated that he has trouble with the noticing provision.

Both Jorge Gomez and Gary Held agreed.

Commissioner Cruz added that there are two competing interests that are both for the public good: 1) properties to be preserved, and 2) properties demolished before they can be preserved. Proper public notice issue needs to be reconciled.

Neisen Kasdin spoke.

Gary Held, First Assistant City Attorney, explained how the process, as proposed, would work.

Commissioner Gross asked if the Miami-Dade County has this ordinance in existence today.

Gary Held, First Assistant City Attorney, responded "yes" and that former Mayor Kasdin informed him that so does the City of Coral Gables.

Commissioner Smith requested to amend the referral to consider the entire notion of the designation process and to make it consistent with the conservation district process to

where some of the designation initiatives would have to start at the City Commission level as opposed to the Historic Preservation Board.

Commissioner Bower stated that her concern is that the door would be opened too wide.

Commissioner Smith stated that he would make that a separate referral sometime in the future.

Vice-Mayor Garcia stated that the discussions should be held at a Commission Workshop rather than at the Land Use and Development Committee.

Commissioner Gross stated that the real issue is the piece-meal handling of the different buildings throughout the City. He stated at one time there was discussion to hire an additional planner to look at neighborhoods overall and decide if there are historic houses or commercial properties that are not designated. He asked if there is a way to do this more broadly. **Jorge Gomez to handle.**

Handout or Reference Material

1. Resolution of the Miami-Dade County Historic Preservation Board – Resolution 07-04

City Clerk cross reference: zoning in progress.

2:02:18 p.m.

R5E An Ordinance Amending Miami Beach City Code Chapter 2, Article VII, Division 5 Thereof Entitled "Campaign Finance Reform" By Amending Code Sections 2-487 Entitled "Prohibited Campaign Contributions By Vendors", 2-488 Entitled "Prohibited Campaign Contributions By Lobbyists On Procurement Issues", Section 2-489 Entitled "Prohibited Campaign Contributions By Real Estate Developers", And Section 2-490 Entitled "Prohibited Campaign Contributions By Lobbyists On Real Estate Development Issues", By Adding Language Providing That The 12 Month Period In Which A Prohibited Donor Of A Campaign Contribution Is Disqualified From Certain Specified Associations With The City Shall Commence Upon A Final Finding Of Violation, Or If Applicable, Upon Miami Beach City Commission Action On A Waiver Request; Providing For Repealer, Severability, Codification, And An Effective Date. **First Reading.**

(Requested by Mayor David Dermer & Commissioner Jose Smith)

ACTION: Ordinance referred to the Neighborhood/Community Affairs Committee without objection.

Commissioner Smith stated that during agenda review the City Manager and City Attorney raised some issues about the ordinance and thought the ordinance was going to go back for further review

Mayor Dermer asked if this item could be deferred.

Commissioner Bower requested that someone brief her before the meeting. **Legal Department to handle.**

Commission Smith requested Legal to meet with Jorge Gonzalez, City Manager, because he raised an issue dealing with existing vendors who may be found to be in violation by the Ethics Commission and what happens to the existing contract. **Legal Department to**

handle.

R7 - Resolutions

3:03:53 p.m.

R7A A Resolution In Accordance With The Requirements Of Sections 163.3220 - 163.3243, Florida Statutes, Also Referred To As The "Florida Local Government Development Agreement Act", Approving, On First Reading, A Development Agreement Between The City Of Miami Beach And AR&J SOBE, Llc (A/K/A Potamkin/Berkowitz) For The Development Of The Project, Presently Referred To As "5th And Alton", Containing Approximately 179,000 Square Feet Of Retail Area, A Supermarket; An Approximate 1070 Space Parking Garage; Park-And-Ride Transit Facility, Including An Intermodal/Transportation Component, And Surrounding Streetscape And Public Infrastructure To Serve The Project, Bounded By Lenox Avenue On East, Alton Road On West, 6th Street On North And 5th Street On The South, In Miami Beach; Further Considering, On Second (And Final) Approval Of The Development Agreement; And Further Setting, For A Time And Date Concurrent With The Second And Final Reading Of The Aforestated Development Agreement, A Public Hearing, As Required Pursuant To The City's Guidelines For The Vacation Of Public Right Of Ways And Chapter 82, Article II, Sections 82-37 Through 82-38 Of The Miami Beach City Code, To Hear Public Comment Concerning The Vacation Of The Adjacent Public Alley, Generally Located Between Alton Road And Lenox Avenue, And Containing Approximately 7,800 Square Feet Of Land, For Incorporation Into The Proposed Project. **5:10 p.m. First Public Hearing** .

(City Manager's Office)

(Continued from February 23, 2005)

ACTION: Public Hearing opened and continued to April 20, 2005 at 5:10 p.m. without objection. Motion made by Commissioner Smith; seconded by Commissioner Cruz. Lilia Cardillo to place on the Commission Agenda. Tim Hemstreet to handle.

3:06:02 p.m.

R7B A Resolution Appropriating An Additional \$1,193,443 To The Reserve For Contingencies In The General Fund (11% Emergency Reserve) From The Undesignated Fund Balance Of The General Fund.)

(Budget & Performance Improvement)

ACTION: Resolution No. 2005-25850 adopted. Motion made by Commissioner Bower; seconded by Commissioner Smith; Voice vote: 7-0. Patricia Walker to appropriate the funds.

3:07:06 p.m.

R7C A Resolution Adopting The First Amendment To The General, Enterprise, And Internal Service Funds Fiscal Year (FY) 2004/2005 Budgets To Appropriate Prior Year Encumbrances.

(Budget & Performance Improvement)

ACTION: Resolution No. 2005-25851 adopted. Motion made by Commissioner Smith; seconded by Commissioner Steinberg; Voice vote: 7-0. Kathie Brooks to handle.

11:18:06 p.m.

R7D A Resolution Affirming The Finding Of The City Manager That The Preliminary Plans And Specifications Submitted By The Miami Beach Jewish Community Center, Inc. (JCC) On February 8, 2005, Are Materially Inconsistent With The Original Concept Plan Contained In The Amended And Restated/Consolidated Lease Agreement By And Between The City Of Miami Beach And The JCC For The City-Owned Property Located At 4221-29 Pine Tree Drive, Miami Beach, Florida, And Therefore Referring The Item To The Neighborhood/Community Affairs Committee For Review And Discussion Of The Proposed Changes.

(Asset Management)

ACTION: Item referred. Motion made by Commissioner Bower to refer item to the Neighborhood/Community Affairs Committee; seconded by Commissioner Smith; amended by Commissioner Gross to add that the Administration meet with the JCC to work out all time extensions needed. Voice vote: 7-0. Vivian Guzman to place on the committee agenda. Joe Damien to handle. Jorge Gomez to meet with the JCC.

Jorge Gonzalez, City Manager, stated that the item before the City Commission is pursuant to the agreement between the City of Miami Beach and the Jewish Community Center (JCC.). The agreement outlines certain steps which the JCC must accomplish in order to proceed with their development. One step is by a certain date provide the City with renderings and the concept drawings. If the Administration determines that the drawings are materially inconsistent with what was presented to the City originally, then the Administration needs to declare it and refer the matter to the City Commission with a recommendation to refer the matter to the Neighborhood/Community Affairs Committee for further discussion. A significant concern is the amount of green space that ends up in the project. The Administrations has a significant concern and it is related to the lack of green-space.

Robin Jacobs, President of the Miami Beach JCC and resident of Miami Beach for the past 15 years, spoke.

Darren Diner, Executive Director of the Miami Beach JCC, spoke.

Commissioner Bower stated that the Center will need green space for the children to play; and stated that it appears the green space, which was the issue before, has been removed. She added that she is concerned that the JCC has a massive building that takes the whole lot and the green space is a small piece on the back. She requested the issue be referred to the Neighborhood/Community Affairs Committee for discussion.

Jeffrey Bercow, resident of Miami Beach and representing the JCC, spoke.

Jorge Gonzalez, City Manager, stated that the last time the plan went to the Neighborhood/Community Affairs Committee it was not approved, in fact it was referred to the Planning Board. He stated that he does not think the plan adequately addresses the green space. He strongly recommended that this issue be referred to the Neighborhood/Community Affairs Committee.

Motion made by Commissioner Bower to refer to the Neighborhood/Community Affairs Committee; seconded by Commissioner Smith.

Commissioner Gross requested an amendment extending all the time periods.

Jorge Gonzalez, City Manager, suggested the amendment be to have the JCC meet with staff to determine what the appropriate time period is to extend to and all the other trigger points may need to be adjusted.

Vice-Mayor Garcia stated that he is in favor of the plan.

Commissioner Smith stated that this is the first time he has seen the proposed plan and agrees with Commissioner Bower that the City Commission needs to review the new plan and resolve some of the density, height, and open space issues in a committee setting.

Joy Spill, immediate past President of Orchard Park, distributed a letter for the record.

Handout or Reference Material

1. Color brochures title Camp Regesh 2005/5765 and 2005 Spring Program Guide
2. Letter from Penny Parham, President, Orchard Park Neighborhood Association, dated March 15, 2005, RE: Miami Beach Jewish Community Center (JCC) – 4221 Pine Tree Drive – Proposed expansion

1:56:30 p.m.

R7E A Resolution Approving And Authorizing The Miami Beach Cultural Affairs Program And Cultural Arts Council's Budget Allocation Of \$162,500 From The Fiscal Year 2004/2005 Contingency Fund Balance, For The Miami Beach Cultural Education Initiative, Arts Economic Impact Study, Cultural Affairs Program Website, Marketing Campaign, And Cultural Endowment And Further Authorizing The City Manager To Execute An Interlocal Agreement With Miami-Dade County Public Schools Division Of Life Skills For A Cultural Arts Education Program In City Of Miami Beach Schools In An Amount Not To Exceed \$37,500

(Tourism & Cultural Development)

ACTION: Resolution No. 2005-25853 adopted. Motion made by Commissioner Bower; seconded by Commissioner Gross; Voice vote: 6-0. Absent: Commissioner Cruz. Max Sklar to handle.

Ada Llerandi, Chair, Miami Beach Cultural Arts Council, spoke.

Mayor Dermer thanked Ada for her leadership and efforts.

Handout or Reference Material

1. Color Brochure titled Art is Everywhere - Art. Here. Now. Prepared by the City of Miami Beach Cultural Affairs Program Tourism and Cultural Development

2:01:34 p.m.

Supplemental Materials (Resolution):

R7F A Resolution Approving An Extension Of The Vendor Contract For Bristol Public Relations, Dated November 11, 2004, In An Amount Not To Exceed \$25,000, To Fund The Cultural Marketing Campaign For The Remainder Of Fiscal Year 2004/2005.

(Tourism & Cultural Development)

ACTION: Resolution No. 2005-25854 adopted. Motion made by Commissioner Bower;

seconded by Commissioner Gross; Voice vote: 6-0; Absent: Commissioner Cruz. Max Sklar to handle.

2:21:24 p.m.

Supplemental Materials (Memorandum and Resolution):

R7G A Resolution Relating To The Annual Evaluation Of The City Manager; Receiving The City Manager's Report And Adjusting His Employment Contract Accordingly.
(City Manager's Office)

(Memorandum & Resolution to be submitted in Supplemental)

ACTION: Resolution No. 2005-25855 adopted. Motion made by Commissioner Cruz; seconded by Commissioner Smith; Voice vote: 6-1; Opposed: Commissioner Steinberg. Mayra Diaz Buttacavoli to handle.

Mayor Dermer stated that the review of the City Manager is an annual process. Each elected official was asked to evaluate the City Manager. He also indicated that the City Manager met individually with each Commissioner. He asked Jorge Gonzalez, City Manager, to give the City Commission some background.

Jorge Gonzalez, City Manager, stated that his contract is a three year contract, which calls for an annual performance evaluation. The evaluation period is from August to August. Last August 21 marks the completion of four years of service as your City Manager. During these four years the City has made great strides which are outlined in the January 19, 2005 Interoffice Memorandum which is included in the Supplemental Materials. He stated that as part of his performance evaluation his contract allows for the consideration by the Commission of based salary which can include a merit increase at the pleasure of the City Commission and a cost of living adjustment, again at the pleasure of the City Commission; another component in the contract allows for a performance bonus if warranted. There are other provisions in the contract that are governed, such as health insurance and other fringe benefits. Over the last four years, the Commission has done different things to adjust the salary package. He stated that after his first year of service, just before his evaluation, 911 occurred and there were some uncertainties and concerns as to whether the City would experience any financial ramification, and he and the City Commission voluntarily agreed not to do a performance evaluation or performance bonus and benefits were adjusted in a different a way. The second year, the normal process was used and some benefits were awarded. The third year the Commission granted a 3% COLA, because of the future union negotiations. This year, after discussing with the Mayor and each Commissioner, and based on a very positive year for the City and the performance of the Administration, the general consensus, and what is being proposed, is a 5% merit increase, a cost living adjustment of 3% which is consistent with the COLA received by both the classified and unclassified employees, a one-time performance bonus of \$12,500, and the addition of one year to the term of the contract retroactive to August 21.

Commissioner Cruz made a motion to approve a 5% merit increase, \$12,500 performance bonus, and a 3% COLA. He stated that Jorge Gonzalez has performed extremely well in a City which is very challenging. He added that Jorge Gonzalez worked with the Commission when facing either tough time or during union negotiations.

Commissioner Steinberg stated that he honestly thinks the increase is high. In comparison to what other city managers make, Jorge is very well compensated. He also stated that this is not meant to criticize the job Jorge is doing, because he does a fine job, but he just can't justify what works out to be a 14% increase.

Commissioner Smith stated that Miami Beach is a challenging City, and with the amount of citizen involvement and so many board and committees, any City Manager is going to be

controversial. In the community there is consensus, for the most part, that the City Manager is doing a good job. He stated that he has had the pleasure, and privilege, of working with Jorge for the past four years, and has found him to be extremely professional, and has done an excellent job negotiating agreements with the School Board, Miami-Dade County, the Convention Development Tax (CDT), Mr. Peebles, the RDP Royal Palm Hotel, and the Alaska Parcel. He added that overall Jorge has done an excellent job and is certainly worthy of the increase.

Vice-Mayor Garcia stated that he has no problems with the raise. He stated that he has three sons and he would be proud to have a son like Jorge. He is a very intelligent individual. He stated that the justification given should be shared with his staff. He stated that to his credit the Police and Fire Departments are both certified. He stated that the justification is pretty good and he has good support. He stated that his complaint is the equality of the treatment of the Commissioners. Within the last week he asked for several things which were not done. He gave the example of the Senior Crime Task Force for which he is still waiting for a report. He stated that he feels like a second-class Commissioner and he is not 100% happy, but maybe 90 – 95%; an “A”, but not an “A+.” He stated that he likes Jorge and hopes that they can bridge some of the gaps.

Jorge Gonzalez, City Manager, stated that he and Vice-Mayor Garcia have had conversations relative to his statements and they are working on it.

Commissioner Gross, addressing the “bonus”, stated that this is not something he necessarily sees doing every year, but this year there are a couple of good reasons to do it. One, he was recognized as the “City Manager of the Year” in the State of Florida in 2004 and recognized by his peers as being an exemplary City Manager, and that corresponds with what the Commission generally finds. The City Commission functions well at meetings and part of that is the chemistry of the Commission but part of that is how Commission Agenda items are handled. He stated that the Commission Agenda and the business of the City are handled well. Regarding the bonus, the dollars which the City Manager has brought into the City this year are significant. The \$1.10 million from the County GO bond and the \$55 million renegotiations of the CDT is another significant win. He stated that his accomplishments justify awarding the bonus. He added that the City Manager has done a good job in recruitment and development of the organization. The organization functions well and the Manager has been successful in bringing good people who function well as a team. The area the Commission asked the Manager to work on was communicating with Commissioners. He stated that from his perspective, the Manager has done a good job. He stated that the wireless communicator is a benefit because it allows the Manager and staff to stay in touch; an organization which stays in touch with each other is effective. The two areas where continued improvements can be made are the neighborhood streetscape projects to make them happen faster, and the preservation of vacant historic buildings. He stated that in general he gives the Manager very high marks, being very responsive, and doing a good job; he is very professional and stated that he enjoys working with Jorge.

Commissioner Bower stated that she needs face time or telephone time with the Manager and she feels that Jorge communicates well. He has done a good job and what she admires most are first, when given a problem Jorge looks for a creative way to resolve the problem and the problems are usually resolved. She stated that the Manager is very responsive and intelligent, but also creative in looking for alternatives. Secondly, she admires the way Jorge stays out of the political arena, and stated that she has never felt any pressure on any vote or issue. She stated that Jorge presents the case fairly, answers her questions, and allow her to make up her mind. She stated that she believes that the

recommended increase is good and that Jorge is worth every penny of his salary because he makes the City better and the Commission Agendas items are complete, understandable, and factual.

Mayor Dermer agrees with his colleagues and supports the consensus regarding the salary package. He stated that his mother is a big fan of Jorge. Jorge is one of the longest tenure City Managers in the City's history and what he has brought is a tremendous amount of stability. He commended Jorge for his negotiation skills, particular on the Bureau contract, the RDA restructuring, and the other agreements. He stated that this is the first time in the City's history that the City put up a fight to keep its money. In addition, the improvements in the department and throughout the entire City are noticeable. He stated that he is very proud to have the honor and privilege to work with Jorge. He added that Jorge has been extraordinarily professional and has been superb for the City. The key thing Jorge has brought to the City is stability. Financially Jorge has increased the City's reserves, the bond ratings stay solid, and the extra money the City is paying Jorge is worth it when you look at the City as a whole. It's a testament to the City Commission as well. The City is doing very well and Jorge should be compensated for it.

Jorge Gonzalez, City Manager, stated that he appreciates the comments and it has been a pleasure to be the City Manager; it is a joy to work and live in this City. He stated that it is important to note that this isn't about him, but about the guidance the City Commission gives and the staff. This is an organization of 1,800 people, all who are looking to do best and the right think for the community. The morale in the City is good, people are happy to be here, people come here, they want to work, they want to do good work, and they have fun doing it. This is one of the best public administration jobs in America.

R9 - New Business and Commission Requests

2:06:34 p.m.

R9A Board And Committee Appointments.
(City Clerk's Office)

ACTION:

Design Review Board:

Alex David Urban Planner Term expires 12/31/05 City Commission Appointment
Effective 3/26/05. TL 12/10. This appointment is effective on March 26, 2005 when the ordinance takes effect.

Clotilde Luce At-Large Term expires 12/31/06 City Commission Appointment TL
12/10.

Peter Chavelier (Urban Land Planner) Term expires 12/31/06 City Commission Appointment TL
12/08

Gregory Neville (Reg. Architect) Term expires 12/31/06 City Commission Appointment TL
12/05

Steve Lefton (Land. Architect) Term expires 12/31/06 City Commission Appointment TL
12/09

Historic Preservation Board:

Prof. Jean Francois LeJeune (Professor) Term expires 12/31/05 City Commission Appointment TL12/10

Judith Berson-Levinson (At-Large) Term expires 12/31/06 City Commission Appointment TL12/06

Beth Dunlop (Dade Heritage) Term expires 12/31/06 City Commission Appointment TL12/05

Randall Robinson (At-Large) Term expires 12/31/06 City Commission Appointment TL12/05

Mitch Novick (MDPL)

Term expires 12/31/06 City Commission Appointment TL12/05

Planning Board:

Roberto Sanchez General Business

Term expires 12/31/05 City Commission Appointment TL12/10

Motion made by Commissioner Steinberg to appoint Professor Jean Francois LeJeune, under the amended category of Registered Architect, to the Design Review Board; seconded by Commissioner Bower.

Commissioner Steinberg withdrew his nomination since Commissioner Gross explained that Professor LeJeune is interested in being a member of the Historic Preservation Board.

Motion made by Commissioner Steinberg to appoint Alex David (Urban Planner) to the Design Review Board. Moved by Commissioner Bower; seconded by Commissioner Steinberg; appointed by acclamation of the City Commission. The appointment will be effective March 26, 2005 when the ordinance is adopted.

Motion made by Commissioner Bower to appoint Clotilde Luce for the At-Large position to the Design Review Board; seconded by Commissioner Smith; Voice vote: 7-0.

Commissioner Steinberg asked when applicants get removed from the list. **Robert Parcher to handle.**

Motion made by Commissioner Gross to appoint Jean Francois LeJeune (Professor) to the Historic Preservation Board; seconded by Commissioner Bower. Voice vote: 6-0; Absent: Commissioner Cruz.

Motion made by Commissioner Steinberg to reappoint Peter Chavelier (Urban Land Planner), Gregory Neville (Registered Architect), and Steve Lefton (Landscape Architect) to the Design Review Board, seconded by Commissioner Bower. Voice vote: 6-0. Absent: Commissioner Cruz.

Motion made by Commissioner Bower to appoint Neli Santamarina to the Planning Board.

Motion made by Vice-Mayor Garcia to appoint Roberto Sanchez for General Business to the Planning Board; seconded by Commissioner Bower; Voice vote 6-0; Absent: Commissioner Cruz

Commissioner Bower withdrew her nomination of Neli Santamarina to the Planning Board.

Motion made by Commissioner Steinberg to reappoint to the Historic Preservation Board, Judith Berson-Levinson (At-Large), Beth Dunlop (Dade Heritage), Randall Robinson (At-Large), and Mitch Novick (MDPL); seconded by Commissioner Bower. Voice vote: 6-0; Absent: Commissioner Cruz.

R9B(1) Dr. Stanley Sutnick Citizen's Forum. (1:30 p.m.)

ACTION: No speakers.

R9B(2) Dr. Stanley Sutnick Citizen's Forum. (5:30 p.m.)

ACTION: Not reached.

2:52:36 p.m.

R9C Discussion Regarding The Senior Task Force.

(Requested by Vice-Mayor Luis R. Garcia, Jr.)

ACTION: Discussion held.

Vice-Mayor Garcia stated that the Senior Crime Task Force has become a statewide recognized plan. About four or five months ago Florida Attorney General Charlie Crist, opened an office at the Miami Beach Police station and everything was going fantastic. Three weeks later the office was closed and employees were being transferred. He explained the history of the program in Miami Beach. He asked the City Manager about the Task Force's future.

Jorge Gonzalez, City Manager, stated that this program is aimed primarily at the seniors in the community and it is a good program. In the Neighborhood Services Department there is a Senior Affairs Program. He stated that Vivian Guzman, Director of Neighborhood Services and Don De Lucca, Police Chief, worked out an arrangement to try to manage the senior programs under one organization. They tried it and it didn't work and the programs have been put back the way they were. The program was not as successful as the Administration would have liked at the Police Headquarters in part because it is hard to get to the Police Station. The Chief has committed to making the program available at the North-end substation with volunteers and the new RDA substation.

Chief Don De Lucca explained the program.

Commissioner Bower asked what other programs Ms. Barbara Sanchez handles and added that she would like to become involved in the program.

Chief De Lucca will inform the City Commission via an LTC outlining the programs available through her office. **Chief De Lucca to handle.**

City Clerk's note: See LTC 058-2005 and LTC 078-2005

City Clerk Cross reference: Storefront Project / elderly / victim /

10:46:42 a.m.

R9D Discussion Regarding A Resolution Urging The Miami-Dade Board Of County Commissioners To Oppose Any Extension To The Urban Development Boundary At The Present Time, And To Encourage Infill Development And Adherence To The County Development Master Plan As Currently Adopted, Including The Adopted 2003 Evaluation And Appraisal Report.

(Requested by Mayor David Dermer)

ACTION: Resolution No. 2005-25883 adopted. Motion made by Commissioner Steinberg; seconded by Commissioner Bower; Voice vote: 7-0. R. Parcher shall provide executed copies of the Resolution to Miami-Dade County Mayor Carlos Alvarez, each member of the Miami-Dade Board of County Commissioners, each municipal City Clerk in Miami-Dade County for the purpose of distributing copies to members of their respective governing councils.

Mayor Dermer stated that this issue deals with a buffer line that has been in effect for many years that prevents development from encroaching on the Everglades. It is important to preserve the boundary line. There is a broad base coalition being formed and it is imperative that the City of Miami Beach joint. He commended former City Commissioner Nancy Liebman and Alan Farago, Sierra Club, for their work on this issue.

Miami Beach has been on the forefront of a number of issues; In conjunction with Miami-Dade County Mayor Carlos Alvarez, Florida Governor Jeb Bush, the Sierra Club, the Audubon, the different environmental groups, Miami-Dade County Commissioner Katie Sorensen, and with this kind of coalition, hopefully the County officials and elective leaders of this County will listen. This issue is strictly about money and there is no reason for it. He encouraged his colleagues to support the resolution.

Jeff Bercow spoke.

Former City of Miami Beach Commissioner Nancy Liebman spoke.

10:54:27 a.m.

New Item

Mayor Dermer recognized Vice-Mayor Garcia for sponsoring the resolution against the slot machines. The City of Miami Beach was the only City in the entire County to take a position against the slots machines.

Vice-Mayor Garcia thanked the Commission. He added that anything that affects the County and the quality of life will affect business in Miami Beach.

12:58:26 p.m.

R9E Discussion Regarding A Resolution Opposing The Reduction Or Elimination Of Funding For The Community Development Block Grant Program ("CDBG").
(Requested by Commissioner Matti Herrera Bower)

ACTION: Resolution No. 2005-25856 adopted. Motion made by Commissioner Bower; seconded by Commissioner Steinberg; Voice vote: 6-0; Absent: Commissioner Cruz. Kevin Crowder to transmit a copy of the Resolution to the United States Congress.

Commissioner Bower stated that she just returned from Washington and she is concerned that cuts are going to be made to CDBG funding. She stated that if there is a cut, there is a cap of 15% for social services. She is looking to remove the cap to fund the social services and lower funding for bricks-and-mortar.

Joy Spill, speaking as a private citizen, urged the City to support the Resolution and asked the Commission to urge other cities and the County to pass similar Resolutions.

Vice-Mayor Garcia stated that he received an invitation from Miami-Dade County Mayor Carlos Alvarez to attend a rally on March 19.

Commissioner Smith commended Commissioner Bower for putting this item on the Commission Agenda. He also stated that the majority of the U.S Senate has already gone on record as opposing any cuts of CDBG or any changes in the administration of CDBG from HUD to the Commerce Department, which was one of the proposals.

Commissioner Steinberg stated that other municipalities are taking action and this issue was discussed at the last League of Cities meeting. The City of Miami has been spearheading this movement in the County. Both U.S. Senators in the State of Florida, and as stated, a majority of the U. S. Senate is not in favor of the cuts.

City Clerk's Note: See LTC 068-2005

1:47:16 p.m.

Addendum Item:

R9F Presentation Of The State Attorney Katherine Fernandez-Rundle's Office Community Outreach Programs.

(Requested by Vice-Mayor Luis R. Garcia, Jr.)

ACTION: Discussion held.

Luis Martinez spoke on behalf of Katherine Fernandez-Rundle and explained the different programs offered by the State Attorney's Office. He also spoke about the 37-foot mobile office (bus) equipped with state-of-the-art technology for community-based interviewing of victims and witnesses, and for public education. He stated that the mobile office is available for use for community events, business luncheons and whatever services the City could think of.

Vice-Mayor Garcia suggested joining forces with the Miami Beach Police Department.

Luis Martinez also stated that the bus is available as a mobile command post which is free and available.

Handout or reference Materials

1. Materials titled "Justice in Motion" including information about the different programs offered by the State Attorney's office such as Identity Theft Prevention Program, Child Fingerprinting Program, Child Info Program, SAO KIDS SMART Program, The Domestic Crimes Unit, Crime Prevention Guide for the Elderly, Child Support Enforcement, Bad Check Restitution Program and a Guide for Victims & Witnesses.

11:16:25 a.m.

Addendum Item:

R9G Discussion and update regarding The Avery Smith Home (Coral Rock House) Located At 900 Collins Avenue.

(Legal Department)

ACTION: Item not heard.

11:17:30 a.m.

New Item:

Jorge Gonzalez, City Manager, stated that if the City does not take action by the end of this week, it will not be possible to get on the agenda for the next meeting of the Unsafe Structures Board.

Motion made by Commission Bower to add an Emergency Closed Executive Session; seconded by Commissioner Steinberg; Voice vote: 5-0; Absent: Vice-Mayor Garcia and Commissioner Smith.

3:09:24 p.m.

Emergency Closed Executive Session

Pursuant To Section 286.011, Florida Statutes, A Closed Executive Session Will Be Held During Lunch Recess Of The City Commission Meeting On March 16, 2005 In The Mayor's Conference Room, Fourth Floor, City Hall, To Discuss Settlement Negotiations And Strategy Related To Litigation Expenditures In The Following Cases:

City Of Miami Beach V. Miami-Dade County, Florida and 900 Collins Ave. LLC., Eleventh Judicial Circuit Court, Appellate Division, Appellate Case No. 05-087 AP; Lower Case No. BV04000959

The Following Individuals Will Be In Attendance: Mayor David Dermer; Members Of The Commission: Matti H. Bower, Simon Cruz, Luis R. Garcia Jr., Saul Gross, Jose Smith And Richard Steinberg; City Attorney Murray H. Dubbin, City Manager Jorge Gonzalez, Chief Deputy City Attorney Donald Papy, First Assistant City Attorneys Gary Held and Rhonda Hasan.

ACTION: Announced and held.

Murray Dubbin, City Attorney, stated that if there is anything to report from this meeting, it will be done at the commencement of the April 20, 2005 Commission Meeting.

Handout or Reference Material

1. Notice submitted by Murray Dubbin, City Attorney.

Reports and Informational Items

- A City Attorney's Status Report.
(City Attorney's Office)

ACTION: Written report submitted.

- B Parking Status Report.
(Parking Department)

ACTION: Written report submitted.

- C Status Report On The Rehabilitation Of The Existing Building And Construction Of The New Fire Station No. 2..
(Capital Improvement Projects)

ACTION: Written report submitted.

- D Status Report On The Construction Of Fire Station No. 4.
(Capital Improvement Projects)

ACTION: Written report submitted.

- E Informational Report To The Mayor And City Commission, On Federal, State, Miami-Dade County, U.S. Communities, And All Existing City Contracts For Renewal Or Extensions In The Next 180 Days.

(Procurement)

ACTION: Written report submitted.

- F Presentation By Judge Steven Leifman On The Crisis Intervention Team (CIT) Training Offered To All Police Departments In Miami-Dade County.

(Police Department)

ACTION: Written report submitted.

- G Non-City Entities Represented By City Commission:

1. Minutes Of The December 17, 2004, Miami-Dade County Homeless Trust Board Meeting.

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(Requested by Commissioner Richard L. Steinberg)

ACTION: Written report submitted.

End of Regular Agenda

**Miami Beach Redevelopment Agency
Commission Chambers, 3rd Floor, City Hall
1700 Convention Center Drive
March 16, 2005**

Chairman of the Board David Dermer
Member of the Board Matti Herrera Bower
Member of the Board Simon Cruz
Member of the Board Luis R. Garcia, Jr.
Member of the Board Saul Gross
Member of the Board Jose Smith
Member of the Board Richard L. Steinberg

Executive Director Jorge M. Gonzalez
Acting Assistant Director Timothy D. Hemstreet
General Counsel Murray H. Dubbin
Secretary Robert E. Parcher

AGENDA

1. ROLL CALL

2. OLD BUSINESS

- A Report Of The Itemized Revenues And Expenditures Of The Miami Beach Redevelopment Agency For The Month Of January 2005.

ACTION: Written report submitted.

3:08:00 p.m.

3. NEW BUSINESS

- A Request For Approval To Purchase Three (3) 2005 Ford Crown Victoria Police Pursuit Vehicles With Safety Equipment And Two (2) 2005 Ford Taurus Vehicles From Duval Ford, Pursuant To Florida State Contract No. 04-12-0823, In The Amount Of \$97,046.00; And Three (3) 2005 Honda Four Trax Rubicon 4x4 All Terrain Vehicles From Jim Walker's Honda-Suzuki-Yamaha, Pursuant to City Of Miami Beach Bid No. 05-04/05, In The Amount Of \$21,955.95.

ACTION: Motion made by Commissioner Steinberg; seconded by Commissioner Smith; Voice vote: 7-0. Drew Terpak to handle.

11:45:00 a.m.

B A Resolution Of The Chairman And Members Of The Miami Beach Redevelopment Agency Authorizing The Executive Director, Or Designee, To Execute The Revised Guaranteed Maximum Price And Amendment To The Agreement Between The Miami Beach Redevelopment Agency And The State Of Florida Department Of Management Services, Facilities And Building Construction Division, For The Renovations And Restoration Of The Colony Theatre In An Amount Not-To-Exceed \$786,502; Authorizing Additional Services To The URS Corporation To Continue Field Observation Services In The Amount Of \$60,677; Providing For An FF&E Allowance In The Amount Of \$125,000; Providing For An Art In Public Places Allocation For The Construction Of The Building In The Amount Of \$9,923; Providing For CIP Fees In The Amount Of \$31,752; And Appropriating \$1,013,854 From City Center RDA Funds For These Purposes.

ACTION: Resolution No. 499-2005 adopted. Motion made by Commissioner Cruz to move the funds; seconded by Commissioner Gross; Voice vote: 6-1. Opposed: Vice-Mayor Garcia. Tim Hemstreet to handle.

Jorge Gonzalez, City Manager, introduced the item and explained that this is a request for an additional appropriation to fund improvements to the Colony Theater. He reviewed the history of the project. What is being proposed is to enter into a four party agreement which includes liquidated damages, a commitment to the substantial completion dates, a commitment to the budgets, and barring unforeseen conditions at completion in early fall of this year.

Cynthia Marsiglio, Deputy Secretary, Department of Management Services (DMS), who is the project management entity which the City contracted with to manage the project, stated that the project is approximately 80-83% completed and they are looking for a completion date of August 10.

Sheldon McCarthey, Construction Manager for the project, spoke.

Jorge Gonzalez, City Manager, explained that the City was recommended to DMS by the Department of Community Affairs; the grant is one-third of what we thought we'd receive.

Mayor Dermer stated that he doesn't want to see this City being milked by the State of Florida; he wants to make sure that the State of Florida bends backwards to help the City. If they were a private entity, we would be in court.

Cynthia Marsiglio, Deputy Secretary, Department of Management Services (DMS), commits to the Commission that the State would bend backwards to help the City. She committed that the State is doing exactly what the City is expecting from the State and her department is bending-over-backwards to complete this project.

Commissioner Cruz stated that DMS is doing the honorable thing; however, this was not the way to handle this type of project and this is a lesson learned, and the City has no other choice but to give them what they need and moved the item; seconded by Commissioner Gross.

Jorge Gonzalez, City Manager, stated that he has not heard the contractor state that this is the guarantee maximum price. He also requested guidance from the

Commission to direct the Administration to go to Tallahassee to see if the City can get a refund on some of the past fees paid to DMS.

Sheldon McCarthey, Construction Manager, explained the circumstances found, including the reasons for the delays in the project.

Commissioner Gross, to correct the record, stated that there are still lingering issues that have potential cost impact and requested Mr. McCarthey to state into the record what some of the remaining items are, which could have additional costs implications. The bathroom remodeling is not budgeted.

Sheldon McCarthey, Construction Manager, stated that the Building Department is concerned about access to the ceiling area and the architect has proposed lifeline system to be installed in the ceiling. There is a budget item included for this but if something changes from what is proposed it could change the price.

Jorge Gonzalez, City Manager, requested the Commission authorize the Administration to have the City's lobbyists work to perhaps reimburse some of the funding.

End of RDA Agenda

Meeting adjourned 3:11:14 p.m.